

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1242

Introduced by Senator Lara

February 18, 2016

An act to amend Section 18.5 of the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1242, as amended, Lara. Sentencing: misdemeanors.

Existing law provides that every offense punishable by imprisonment in a county jail up to or not exceeding one year is punishable by imprisonment in the county jail for a period not to exceed 364 days.

~~This bill would provide that a person who was convicted of an offense punishable by imprisonment in a county jail for up to or not exceeding one year prior to the enactment of that provision, and who was sentenced to county jail for one year, is deemed, for all purposes, to have been sentenced to county jail for 364 days.~~ *make that provision retroactive, whether or not the case was final on the effective date of that provision. The bill would also authorize a person who was sentenced to a term of one year prior to the effective date of that provision to file a motion before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term of 364 days.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 18.5 of the Penal Code is amended to read:

18.5. (a) Every offense which is prescribed by any law of the state to be punishable by imprisonment in a county jail up to or not exceeding one year shall be punishable by imprisonment in a county jail for a period not to exceed 364 days. ~~A person who was convicted of an offense punishable by imprisonment in a county jail for up to or not exceeding one year prior to the effective date of Chapter 174 of the Statutes of 2014 and who was sentenced to county jail for one year is deemed, for all purposes, to have been sentenced to county jail for 364 days. This section shall apply retroactively, whether or not the case was final as of the date this section became effective.~~

(b) A person who was sentenced to a term of one year in county jail prior to the effective date of this section may file a motion before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term specified in subdivision (a).